

MORRISON & FOERSTER LLP
MICHAEL A. JACOBS (Bar No. 111664)
mjacobs@mofo.com
MARC DAVID PETERS (Bar No. 211725)
mdpeters@mofo.com
DANIEL P. MUINO (Bar No. 209624)
dmuino@mofo.com
755 Page Mill Road, Palo Alto, CA 94304-1018
Telephone: (650) 813-5600 / Facsimile: (650) 494-0792

BOIES, SCHILLER & FLEXNER LLP
DAVID BOIES (Admitted *Pro Hac Vice*)
dboies@bsfllp.com
333 Main Street, Armonk, NY 10504
Telephone: (914) 749-8200 / Facsimile: (914) 749-8300
STEVEN C. HOLTZMAN (Bar No. 144177)
sholtzman@bsfllp.com
1999 Harrison St., Suite 900, Oakland, CA 94612
Telephone: (510) 874-1000 / Facsimile: (510) 874-1460
ALANNA RUTHERFORD
575 Lexington Avenue, 7th Floor, New York, NY 10022
Telephone: (212) 446-2300 / Facsimile: (212) 446-2350 (fax)

ORACLE CORPORATION
DORIAN DALEY (Bar No. 129049)
dorian.daley@oracle.com
DEBORAH K. MILLER (Bar No. 95527)
deborah.miller@oracle.com
MATTHEW M. SARBORARIA (Bar No. 211600)
matthew.sarboraria@oracle.com
500 Oracle Parkway, Redwood City, CA 94065
Telephone: (650) 506-5200 / Facsimile: (650) 506-7114

Attorneys for Plaintiff
ORACLE AMERICA, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE, INC.

Defendant.

Case No. CV 10-03561 WHA

**ORACLE AMERICA, INC.'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL EXHIBITS 1 AND 4 AND
PORTIONS OF THE SECOND
DECLARATION OF FRED NORTON IN
RESPONSE TO DECLARATIONS
SUBMITTED ON BEHALF OF GOOGLE**

Dept.: Courtroom 4, 3rd Floor
Judge: Honorable Judge Donna M. Ryu

1 Plaintiff Oracle America, Inc. (“Oracle”) hereby moves to file portions of the Second
 2 Declaration of Fred Norton In Response to Declarations Filed on Behalf of Google (“Second Norton
 3 Declaration”), Exhibit 1 and Exhibit 4 and portions of the Second Norton Declaration.

4 Exhibit 4, which bears Bates number GOOGLE-00392259–285, is a presentation given by
 5 employees of Oracle to employees of Google, Inc. (“Google”) in the month prior to the filing of the
 6 above-captioned lawsuit. It was designed for settlement purposes, is cloaked by Rule 408, and is
 7 clearly marked as such on every page. It has been designated CONFIDENTIAL by Google, Inc. For
 8 the reasons stated in the Declaration of George Simion In Support Of Oracle America, Inc.’s
 9 Administrative Motion to File Under Seal, Oracle also moves to seal the information contained in that
 10 document.

11 The remaining materials that Oracle seeks to seal protect information that Google, not Oracle,
 12 has designated. First, Oracle moves to seal portions of the Second Norton Declaration that reflect
 13 passages from the discovery hearing transcript of July 21, 2011, previously attached as Exhibit H to the
 14 first Norton Declaration. As described in Oracle’s previous administrative motion to seal (Dkt. No.
 15 304), which the Court granted today (Dkt. No. 324), Google has recently moved under General Order
 16 59 to redact portions of the discovery-hearing transcript reflected in Exhibit H. Oracle submitted
 17 Exhibit H under seal out of an abundance of caution, and now moves to redact portions of the Second
 18 Norton Declaration that refer to Exhibit H. Second, Oracle also moves to file under seal Exhibit 1,
 19 which reflects portions of Google’s privilege log. Google designated its entire privilege log “HIGHLY
 20 CONFIDENTIAL – ATTORNEY’S EYES ONLY.” Oracle states no position as to whether public
 21 filing of Google’s purportedly confidential information would cause harm to Google.

22 A proposed order sealing Oracle confidential information is attached.

23
 24 Dated: August 19, 2011

BOIES, SCHILLER & FLEXNER LLP

25 By: /s/ Fred Norton
 Fred Norton

26 *Attorneys for Plaintiff*
 27 ORACLE AMERICA, INC.